

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUEPOSITION, INC., )  
Plaintiff, )  
v. )  
LM ERICSSON TELEPHONE COMPANY ) CIVIL ACTION  
(Telefonaktiebolaget LM Ericsson), QUALCOMM 2:11-cv-04574-RFK  
INC., ALCATEL-LUCENT, U.S.A., INC., THIRD )  
GENERATION PARTNERSHIP PROJECT a/k/a )  
3GPP, and EUROPEAN TELECOMMUNICATIONS )  
STANDARDS INSTITUTE, )  
Defendants. )

STIPULATION AND ORDER REGARDING DISMISSAL  
OF EUROPEAN TELECOMMUNICATIONS STANDARDS INSTITUTE

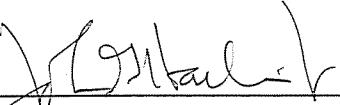
Pursuant to Federal Rule of Civil Procedure 41(a)(2) and Local Rule of Civil Procedure 7.4(b)(1), it is hereby stipulated by and between counsel for plaintiff TruePosition, Inc. and counsel for defendant European Telecommunications Standards Institute (“ETSI”), and subject to the Court’s approval, as follows:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(2), ETSI shall be dismissed from this action with prejudice upon the condition of its agreement as stated in Paragraph 2 and upon approval of the contemporaneous Stipulation pursuant to which defendant Third Generation Partnership Project agrees not to assert the defense of lack of personal jurisdiction in this action; and

2. As a condition of its dismissal from this action, ETSI agrees that it shall remain subject to discovery as a third party by service of any such discovery on its undersigned counsel;

and ETSI further agrees that in response to such discovery it will not raise objections based on The Hague Convention on the Taking of Evidence Abroad or French Law No. 80-538 (the French Blocking Statute), recognizing the Court's order dated March 6, 2012 [Dkt. 101], but will otherwise have the right to object to discovery, when appropriate, pursuant to the Federal Rules of Civil Procedure.

Dated: August 3, 2012

  
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*Counsel for Third Generation Partnership Project*

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2012

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The Honorable Robert F. Kelly

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SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2012

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**CERTIFICATE OF SERVICE**

I, Evelyn R. Protano, hereby certify that on August 3, 2012 I caused a true and correct copy of the Stipulation and Order Regarding Dismissal of European Telecommunications Standards Institute to be served upon the following by e-mail and by the Court's ECF system:

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